

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2408

Dr. Genick Bar-Meir,

Appellant,

v.

North American Die Casting
Association,

Appellee.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: December 16, 2003

Filed: December 24, 2003

Before LOKEN, Chief Judge, BRIGHT, and BOWMAN, Circuit Judges.

PER CURIAM.

Plaintiff Genick Bar-Meir appeals the district court's¹ order which granted defendant North American Die Casting Association's (NADCA's) motion to withdraw its damages claim and denied Bar-Meir's motion to vacate the magistrate's²

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

²The Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

earlier order refusing to reopen discovery. Bar-Meir also appeals other orders previously considered by this court. We affirm.

In a prior appeal in this action, we affirmed the district court's judgment in most respects, but vacated the court's award of damages against Bar-Meir and remanded for further proceedings in which Bar-Meir could exercise his right to have a jury determine the amount of damages. See Bar-Meir v. NADCA, 55 Fed. Appx. 389 (8th Cir. 2003) (unpublished per curiam). On remand, NADCA moved to withdraw its damages claim, stating that it wished to end the litigation, and the district court granted the motion and dismissed the action.

We find that the district court did not abuse its discretion in allowing NADCA to voluntarily withdraw its request for damages against Bar-Meir, as the withdrawal only benefitted Bar-Meir. Because dismissal of the damages claim ended the last remaining issue in the case, the district court also did not abuse its discretion in denying further discovery. See SDI Operating P'ship v. Neuwirth, 973 F.2d 652, 655 (8th Cir. 1992) (standard of review). Finally, we will not revisit issues settled in previous appeals, see In re Just Brakes Corp. Sys., Inc., 293 F.3d 1069, 1072 (8th Cir.), cert. denied, 537 U.S. 1019 (2002), and we reject Bar-Meir's argument regarding recusal of the district judge.
